

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of Henry E. Agbaje, et al. Art Unit 1616
Serial No. 09/988,340
Filed November 19, 2001
Confirmation No. 8785
For PESTICIDE CONCENTRATES CONTAINING ETHERAMINE SURFACTANTS
Examiner Alton N. Pryor

April 5, 2007

RESPONSE TO RESTRICTION REQUIREMENT

TO THE COMMISSIONER FOR PATENTS,

SIR:

In response to the restriction requirement mailed March 9, 2007, applicants elect to have the claims of Group I (claims 3-8, 10, 12-40, 52, 53 and 56-58) examined in the subject application. Applicants reserve the right to file one or more divisional applications directed to any of the non-elected claims.

The Office has also required election of (1) pesticide; and (2) surfactant species. Applicants elect glyphosate or a salt or ester thereof as the pesticide. Elected claims 3-8, 10, 12-40, 52, 53 and 56-58 read on elected species (1). Applicants elect as the first surfactant species, etheramines of formula (5) and as the second surfactant species, alkoxyated triamines of formula (27). Elected claims 3-8, 10, 12-40, 52, 53 and 56-58 read on elected species (2).

The Office found claims 3-8, 10, 12-40, 42-47 and 51-61 to be generic. It is submitted that claim 49 (directed to concentrate compositions) reads on each of the elected species and is therefore likewise generic. See MPEP §806.04(d).

Applicants note that the claims of Group I are generic and the claims of Group II (claims 42-47, 49, 51, 54, 55 and 59-61) read on elected species (1) and (2). Applicants respectfully submit that, upon allowance of Group I claims, any Group II claim that include all the limitations of allowed Group I claims should be entitled to consideration.

Respectfully submitted,

A handwritten signature in black ink, reading "James Harper". The signature is written in a cursive, flowing style with a large initial "J" and "H".

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